IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION No.10891 of 2005

Between:

Sri Vivekananda Hindi Pandit Training College, Vinukonda, Guntur District, rep. by its Correspondent
Sri Rafeeq Ahmed S/o.Abdul Salam.

..... PETITIONER

AND

1 State of Andhra Pradesh, rep. by its Secretary,

School Education, Secretariat, Hyderabad.
2 Commissioner and Director of School Education,

A.P., Hyderabad.
3 The Regional Joint Director of School Education,

Guntur, Guntur District.
4 The District Educational Officer, Guntur District, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ more in the nature of a Writ of Mandamus declaring the action of the respondents in seeking to reduce 4 seats from the management quota of Hindi Pandit Training Course for the academic year 2004-05 for the alleged error in filling up of the Convener quota seats during the academic year 2002-03 which was already condoned and ratified by the Govt. by memo No.1280/SE.Trg.2/2004-1 dt.9.2.2004 and equally the action of the 1st respondent in not taking any action on the representation of the management dt.23.4.2005 as being arbitrary and illegal, violative of Article 14 of the Constitution of India and consequently direct the respondents not to reduce 4 seats from management quota in the petitioner institution for the academic year 2004-05.

Counsel for the Petitioner: MR. CH.SAMSON BABU

Counsel for Respondents: GOVERNMENT PLEADER FOR EDUCATION

The Court at the stage of admission made the following:

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ORDER:

The petitioner-College admitted four candidates of its choice from out of the qualified candidates, which remained unfilled from the Convener quota during the year 2002-03. Subsequently, when the petitioner addressed a letter to the concerned authorities mentioning that the candidates, who were admitted by the Management have successfully completed the Course, requested to permit them to appear for the examination by mentioning that the authorities may reduce the seats in future academic years.

In the light of the circumstances mentioned by the petitioner-College, the action of the petitioner in admitting four candidates was ratified. Subsequently, the respondents passed the impugned order reducing four seats from Management quota for the academic year 2004-05.

Learned Counsel for the petitioner-College submitted that since there were no *mala fides* on the part of the petitioner-College in admitting four candidates during the year 2002-03 as Management quota, there cannot be any reduction of such number of seats in the future academic years.

As per the rules, the petitioner-College is expected to obtain permission from the concerned authorities, if there is any proposal to fill up the vacant seats with Management candidates. When the petitioner allowed four candidates from Management quota without obtaining necessary permission, the respondents were right in passing the impugned order. The Court cannot perpetrate the illegality committed by the petitioner-College by passing an order against the rules. The petitioner-College, therefore, cannot maintain the writ petition.

Hence, the writ petition is dismissed. No costs.

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(Dr. G.YETHIRAJULU, J)

03rd May, 2005.

AK/LSK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, School Education, State of A.P., Secretariat,

Hyderabad.
2 The Commissioner and Director of School Education,

A.P., Hyderabad.
3 The Regional Joint Director of School Education,

Guntur, Guntur District.
4 The District Educational Officer, Guntur District, Guntur.

5 Two CCs to the Government Pleader for Education,

High Court Buildings, Hyderabad (O.U.T).

6 Two CD copies.